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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/069,327

06/27/2002

Remi Deh

09669/021001

1726

22511

7590

04/19/2006

OSHA LIANG L.L.P.  
1221 MCKINNEY STREET  
SUITE 2800  
HOUSTON, TX 77010

EXAMINER

CHEA, PHILIP J

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/069,327	Applicant(s) DEH ET AL.	
	Examiner Philip J. Chea	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

This Office Action is in response to a Request for Continued Examination filed February 28, 2006. Claims 1-8 are currently pending. Claims 9-14 are cancelled. Any rejection not set forth below has been overcome by the current Amendment.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4,5,7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chew (US 5,901,303).

As per claim 1, Chew discloses a device to load commands of a service (S) in a computer system including a server and at least one integrated circuit card (CARD) connected together via a network, said at least one integrated circuit card including a first command execution program (P1) and a first memory (M1), wherein,

said at least one integrated circuit card (CARD) includes:

said first command execution program (P1) controls the integrated circuit of the card into performing commands which are stored in a memory of the card (see column 10, line 59-column 11, line 5, where first command is F1), and, after executing a command, identifying the next command to be executed by means of link data stored in the memory of the card (see column 11, lines 8-17, where the next command is F2); and

means to search for the next command as identified by the link data in the first memory of the card and, if the next command as identified by the link data is not to be found in the first memory of the card (e.g. F1, F2, or F3 are not found in memory), to search on said server for a command sequence block including said next command (see column 11, lines 19-28);

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and said server includes:

means (ML) for loading said integrated circuit card a sequence of commands of said service, said sequence of commands of said service comprising at least one said command sequence block (B) of said service (S) (see column 11, lines 19-28).

Although the system disclosed by Chew shows substantial features of the claimed invention (discussed above), it fails to disclose that only part of a sequence of commands is loaded.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chew.

Chew discloses that functions F may be entirely or partially entered in the card and that they might be changed, added to, or removed (see column 7, lines 21-30).

Given the teaching of Chew, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chew by allowing only a partial download (part of sequence) of a function F, in order to change function F slightly according to a program that is currently of interest.

As per claim 2, Chew further discloses that the first memory (M1) is non volatile (see Fig. 4 [EF2]).

As per claim 3, Chew further discloses a second non volatile memory (M2) including data specific to at least one service (see Fig. 4 [EF2]).

As per claim 5, Chew further discloses that the server includes update means (MU) capable of modifying, erasing, and adding, in said first memory (M1), at least one sequence block (B) (see column 7, lines 28-36).

As per claim 7, Chew further discloses that the integrated circuit card (CARD) includes data request means (RD), wherein data is sent by a service server (see column 11, lines 19-28).

As per claim 8, Chew further discloses that the integrated circuit card includes means of interpreting (MI) command sequence blocks (see column 11, lines 19-28).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chew as applied to claims 1 above, and further in view of McGauley et al. (US 5,899,998).

As per claim 4, although the system disclosed by Chew shows substantial features of the claimed invention (discussed above), it fails to disclose that said server includes means to back up (MSSEQ1,MSSEQ2) at least one sequence block (B) in said first memory (M1).

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chew, as evidenced by McGauley.

In an analogous art, McGauley discloses a portable data carrier such as a smart card that stores records (see column 2, lines 41-45). Further showing that it would have been obvious to have a server with a means to back up at least one sequence block in a memory (see Fig. 9, where data from a portable data carrier (PDC) is backed up onto a point of service (POS) station).

Given the teaching of McGauley, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chew by employing a means to back up at least one sequence block in a memory, such as disclosed by McGauley, in order to have an updated record from a patient the next time they arrive at the doctors.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chew as applied to claim 1 above, and further in view of Drews et al. (US 5,467,081).

Although the system disclosed by Chew shows substantial features of the claimed invention (discussed above), it fails to disclose that said first memory (M1) includes a first area (Z1) and a second area (Z2), said first area (Z1) having read and write access by said server and read access by said integrated circuit card, said second area (Z2) having read and write access by said integrated circuit card.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chew, as evidenced by Drews et al.

In an analogous art, Drews et al. disclose a smart card with a first area and a second area, with the areas having the ability to control read and write access (see columns 1 and 2, lines 53-67 and 1-11).

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Given the teaching of Drews et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chew by employing memory blocks with different read and write attributes, such as disclosed by Drews et al., in order to protect against illicit reading or writing.

**Conclusion**

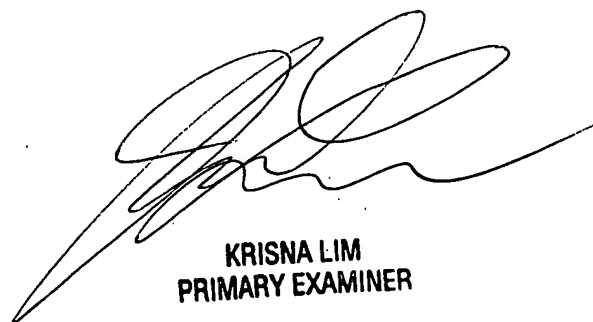
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea  
Examiner  
Art Unit 2153

PJC 4/13/06



**KRISNA LIM  
PRIMARY EXAMINER**